

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

MICHAEL D.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:20-cv-00493
)	
)	
KILOLO KIJAKAZI,)	
Acting Commissioner, Social)	
Security Administration)	
Defendant.)	

ORDER

This matter comes before the Court on the Report and Recommendation of the Magistrate Judge dated August 17, 2021 in response to the parties' cross-motions for summary judgment.

On August 17, 2021, the Magistrate Judge issued a Report and Recommendation recommending that the Court grant the Commissioner's cross motion for summary judgement and affirm the Commissioner's final decision denying Plaintiff's claim for disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. § 423.


On August 31, 2021, Plaintiff objected to the Magistrate Judge's Report and Recommendation upholding the Commissioner's decision. Plaintiff argues that the Commissioner improperly upheld the Administrative Law Judge's ("ALJ") decision because the ALJ improperly accounted for all of the opinions provided by

the state agency psychologist and the ALJ failed to provide good reasons for according less than controlling weight to Dr. Gaertner's treating source opinions.

On September 14, 2021, the defendant filed a response to Plaintiff's objection, arguing that 1) substantial evidence supports the ALJ's evaluation of the state agency psychologists' opinions and his residual functional capacity assessment; and 2) substantial evidence supports the ALJ's evaluation of Dr. Gaertner's opinion.

Based on a de novo review of the evidence in this case, having reviewed the Report and Recommendations and the objections thereto, it appears to the Court that the Magistrate Judge's Report and Recommendation is neither clearly erroneous nor contrary to law. Therefore, it is adopted and hereby

ORDERED that Plaintiff's Motion for summary judgement is DENIED; the Commissioner's Motion for summary judgement is GRANTED; and the final decision of the Commissioner is AFFIRMED.



CLAUDE M. HILTON
UNITED STATES DISTRICT JUDGE

Alexandria, Virginia
October 1, 2021